

ORDINANCE NO. 113.

An Ordinance granting to PACIFIC FRUIT EXCHANGE, INCORPORATED, a corporation, and its successors and assigns, the right, privilege and permission to construct, lay down and maintain, a railroad track, of standard gauge, and to pass with, and operate, with locomotive and cars, propelled by steam, electricity, or other lawful motive power, over, along, upon and across, certain streets, portions of streets, and other places in the City of Lodi, County of San Joaquin, State of California.

BE IT ORDAINED by the Board of Trustees of the City of Lodi, as follows:

Section 1. The City of Lodi hereby grants to PACIFIC FRUIT EXCHANGE, INCORPORATED, a corporation, duly organized and existing under and by virtue of the Laws of the State of California, and having its office and principal place of business in the City of Sacramento, County of Sacramento, State of California, and transacting business in the City of Lodi, County of San Joaquin, State of California, its successors and assigns, for the term and period hereinafter named, subject to all of the terms and limitations hereinafter made and expressed, the franchise, right, privilege and permission to construct, lay down and maintain, over, along, upon and across, those certain streets, portions of streets, and other places in the City of Lodi, County of San Joaquin, State of California, as hereinafter described, a railroad track, and to pass with, and operate, a steam, electric, or other lawful motive power, railroad thereon, and to construct and maintain thereon, a roadbed of standard broad gauge width, and to lay down and maintain thereon, a track of standard width, together with the necessary curves, crossings and connections, for the convenient use thereof, and to run locomotives and cars, and electric engines, and cars propelled by electricity thereon; and which said streets, and portions of streets, and other places in said City of Lodi, County of San Joaquin, State of California, and said roadbed and track, curves, crossings, and connections are as follows:

A Spur Track, the center line of which is described as follows,
to-wit:

Commencing at a point on the Central California Traction Company's first track to the Pioneer Fruit shed in the said City of Lodi, California, ninety (90) feet South of the South line of Lodi Avenue in said City of Lodi, and running thence Southerly on a curve to the Left with a radius of one hundred fifty (150) feet, a distance of seventy (70) feet to a point; thence on a curve to the right with a radius of one hundred fifty (150) feet a distance of seventy (70) feet to a point Past of the East line of Seaton Avenue; thence Southerly two (2) feet East of, and parallel to, the East line of said Seaton Avenue on a straight line three hundred (300) feet, more or less, to Lots Nos. Eleven (11), Thirteen (13), Fifteen (15), and Seventeen (17), in Block "B", according to the Map of Zodi Barnhart Tract, filed November 5th, 1906, at 3:05 o'clock P. M., in the office of the County Recorder of the County of San Joaquin, State of California.

Sec. 2. The franchise, rights, privileges and permissions herein granted to said Grantee are dependent for their continuance and validity upon the performance by said Grantee in full of all conditions as hereinafter set out, to-wit:

First - Said Grantee shall, in all cases, construct, lay down and maintain his said road-bed in said City of Lodi to the official grade of the said streets and portions of streets in said City of Lodi, and shall not construct or raise any portion of his roadbed to a greater height than said official grade, unless with the permission of the said Board of Trustees, of the City of Lodi.

Second - Said Grantee shall construct suitable culverts for the passage of water at such points on said roadbed as shall be selected by the Board of Trustees of the City of Lodi, now, or at any time during the life of said franchise, and shall keep such culverts in constant repair.

Third - Said Grantee shall, upon the order of the said Board of Trustees of the City of Lodi, grade or regrade, gravel or regravels,

plank or replank, pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said Board of Trustees, of the said City of Lodi, any and all portions of said streets along which the track is laid, between the rails thereof, and for a width extending two feet on each side of said track.

It shall keep the same, including tile crossings, constantly in repair and flush with the streets, and in case crossings are taken up they must be replaced immediately after the completion of the work. All work must be done under the supervision and to the satisfaction of the Superintendent of Streets, and in no case shall said Grantee, its successors or assigns, be permitted to run or operate said railroad on said streets or portions of streets where the said track is laid until the same shall have been approved by the Superintendent of Streets, and by this Board of Trustees.

Sec. 3. The franchise, rights, privileges and permissions hereby granted, are hereby granted for such term, period and length of time, as shall meet with the pleasure of this Board of Trustees.

Sec. 4. Said Grantee shall keep its roadbed and track in good condition, with proper slopes to enable teams to pass and repass thereon.

Sec. 5. All privileges and rights required by said Grantee for the construction and maintenance of said roadbed, track, curves, crossings and connections through private property, and upon grades made by private persons are to be by said Grantee secured from the owners of such property.

Sec. 6. If the said Grantee shall fail for thirty days to accept, in writing, filed with the City Clerk of the City of Lodi, the franchise, rights, privileges and permissions herein granted, or to commence in good faith and duly prosecute the construction of its said railroad within sixty days from the date of the approval of this Ordinance, then this Ordinance shall be of no force and effect as a grant unto the said Grantee.

Sec. 7. This Ordinance shall take effect and be in force from and after its passage and approval.

Approved this 26th day of April, 1920.

J. S. Montgomery
President Board of Trustees of the
City of Lodi.

I hereby certify that the foregoing ordinance, No. 113, was introduced for passage at a regular meeting of the Board of Trustees of the City of Lodi, held on the 19th day of April, 1920, and was thereafter, at a regular adjourned meeting of said Board of Trustees, held on the 26th day of April, 1920, passed and adopted by the following vote:

Ayes: Trustees Hale, Rich, Hickok and Montgomery.

Noes: None.

Absent: Trustee Crose.

Attest:

N. S. Clark
City Clerk of the City of Lodi.

Printed Thursday, April 29th, 1920.